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H11/DK
PATENT *3/31/03*

Customer No. 22,852
Attorney Docket No. 7738.147

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Grant E. DUBOIS et al.) Group Art Unit: 1761
)
Application No.: 09/838,809) Examiner: unassigned
)
Filed: April 20, 2001)
)
For: NON CALORIC FROZEN)
CARBONATED BEVERAGE)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

THIRD SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached PTO 1449. This Third Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

The document listed in this Information Disclosure Statement is an English language document which corresponds to WO 98/16120 cited in the Supplemental Information Disclosure Statement filed November 28, 2001

A copy of the listed document is attached.

Applicants respectfully request that the Examiner consider the listed document and indicate that they were considered by making appropriate notations on the attached form.

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitute "prior art." If the Examiner applies the document as prior art against any claim in the application and applicants determine that the cited document does not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 11, 2002

By: 

Lori-Ann Johnson
Reg. No. 34,498

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